

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT L. BROOKS, JR., in his capacity as
Administrator of the ESTATE OF ROBERT L.
BROOKS, SR.,

Plaintiff,

v.

**ANSWER WITH CROSS-CLAIM
9:25-cv-68 (AMN/ML)**

ANTHONY FARINA, MATTHEW GALLIHER,
NICHOLAS ANZALONE, DAVID KINGSLEY,
NICHOLAS KIEFFER, ROBERT KESSLER,
MICHAEL FISHER, CHRISTOPHER WALRATH,
MICHAEL ALONG, SHEA SCHOFF, DAVID
WALTERS, MICHAEL MASHAW,
GLENN TROMBLEY, KYLE DASHNA,
ABEDIN MEHMEDOVIC, DANIELLE MEDBURY,
DANIEL MARTUSCELLO, III, and other as yet
Identified individuals,

Defendants.

The Defendant, Michael Along, by Sugarman Law Firm, LLP, answering the Complaint of the Plaintiff, alleges:

1. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 1 of Plaintiff's Complaint.
2. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 3 of Plaintiff's Complaint.
4. DENIES the allegations contained in paragraph 4 of Plaintiff's Complaint.
5. DENIES the allegations contained in paragraph 5 of Plaintiff's Complaint.
6. DENIES the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. DENIES the allegations contained in paragraph 7 of Plaintiff's Complaint.

8. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 10 of Plaintiff's Complaint.

11. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 11 of Plaintiff's Complaint.

12. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 12 of Plaintiff's Complaint.

13. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 13 of Plaintiff's Complaint.

14. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 14 of Plaintiff's Complaint.

15. DENIES the allegations contained in paragraph 15 of Plaintiff's Complaint.

16. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 16 of Plaintiff's Complaint.

17. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 18 of Plaintiff's Complaint.

19. DENIES the allegations contained in paragraph 19 of Plaintiff's Complaint.

20. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 20 of Plaintiff's Complaint.

21. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 21 of Plaintiff's Complaint.

22. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 22 of Plaintiff's Complaint.

23. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 23 as to all Defendants except Michael Along, ADMIT as to Michael Along.

24. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 24 of Plaintiff's Complaint.

25. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 25 of Plaintiff's Complaint.

26. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 26 of Plaintiff's Complaint.

27. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 27 of Plaintiff's Complaint.

28. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 28 of Plaintiff's Complaint.

29. DENIES the allegations contained in paragraph 29 of Plaintiff's Complaint.

30. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 30 of Plaintiff's Complaint.

31. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 31 of Plaintiff's Complaint.

32. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 32 of Plaintiff's Complaint.

33. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 33 of Plaintiff's Complaint.

34. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 34 of Plaintiff's Complaint.

35. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 35 of Plaintiff's Complaint.

36. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 36 of Plaintiff's Complaint.

37. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 37 of Plaintiff's Complaint.

38. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 38 of Plaintiff's Complaint.

39. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 39 of Plaintiff's Complaint.

40. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 40 of Plaintiff's Complaint.

41. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 41 of Plaintiff's Complaint.

42. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 42 of Plaintiff's Complaint.

43. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 43 of Plaintiff's Complaint.

44. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 44 of Plaintiff's Complaint.

45. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 45 of Plaintiff's Complaint.

46. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 46 of Plaintiff's Complaint.

47. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 47 of Plaintiff's Complaint.

48. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 48 of Plaintiff's Complaint.

49. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 49 of Plaintiff's Complaint.

50. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 50 of Plaintiff's Complaint.

51. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 51 of Plaintiff's Complaint.

52. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 52 of Plaintiff's Complaint.

53. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 53 of Plaintiff's Complaint.

54. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 54 of Plaintiff's Complaint.

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56. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 56 of Plaintiff's Complaint.

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62. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 62 of Plaintiff's Complaint.

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64. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 64 of Plaintiff's Complaint.

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66. DENIES the allegations contained in paragraph 66 of Plaintiff's Complaint.

67. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 67 of Plaintiff's Complaint.

68. DENIES the allegations contained in paragraph 68 of Plaintiff's Complaint.

69. DENIES the allegations contained in paragraph 69 of Plaintiff's Complaint.

70. DENIES the allegations contained in paragraph 70 of Plaintiff's Complaint.

71. DENIES the allegations contained in paragraph 71 of Plaintiff's Complaint.

72. DENIES the allegations contained in paragraph 72 of Plaintiff's Complaint.

73. DENIES the allegations contained in paragraph 73 of Plaintiff's Complaint.

74. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 74 of Plaintiff's Complaint.

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79. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 79 of Plaintiff's Complaint.

80. DENIES the allegations contained in paragraph 80 of Plaintiff's Complaint.

81. DENIES the allegations contained in paragraph 81 of Plaintiff's Complaint.

82. DENIES the allegations contained in paragraph 82 of Plaintiff's Complaint.

83. DENIES the allegations contained in paragraph 83 of Plaintiff's Complaint.

84. DENIES the allegations contained in paragraph 84 of Plaintiff's Complaint.

85. DENIES the allegations contained in paragraph 85 of Plaintiff's Complaint.

86. DENIES the allegations contained in paragraph 86 of Plaintiff's Complaint.

87. DENIES the allegations contained in paragraph 87 of Plaintiff's Complaint.

88. DENIES the allegations contained in paragraph 88 of Plaintiff's Complaint.

89. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 89 of Plaintiff's Complaint.

90. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 90 of Plaintiff's Complaint.

91. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 91 of Plaintiff's Complaint.

92. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 92 of Plaintiff's Complaint.

93. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 93 of Plaintiff's Complaint.

94. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 94 of Plaintiff's Complaint.

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99. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 99 of Plaintiff's Complaint.

100. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 100 of Plaintiff's Complaint.

101. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 101 of Plaintiff's Complaint.

102. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 102 of Plaintiff's Complaint.

103. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 103 of Plaintiff's Complaint.

104. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 104 of Plaintiff's Complaint.

105. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 105 of Plaintiff's Complaint.

106. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 106 of Plaintiff's Complaint.

107. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 107 of Plaintiff's Complaint.

108. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 108 of Plaintiff's Complaint.

109. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 109 of Plaintiff's Complaint.

110. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 110 of Plaintiff's Complaint.

111. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 111 of Plaintiff's Complaint.

112. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 112 of Plaintiff's Complaint.

113. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 113 of Plaintiff's Complaint.

114. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 114 of Plaintiff's Complaint.

115. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 115 of Plaintiff's Complaint.

116. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 116 of Plaintiff's Complaint.

117. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 117 of Plaintiff's Complaint.

118. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 118 of Plaintiff's Complaint.

119. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 119 of Plaintiff's Complaint.

120. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 120 of Plaintiff's Complaint.

121. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 121 of Plaintiff's Complaint.

122. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 122 of Plaintiff's Complaint.

123. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 123 of Plaintiff's Complaint.

124. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 124 of Plaintiff's Complaint.

125. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 125 of Plaintiff's Complaint.

126. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 126 of Plaintiff's Complaint.

127. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 127 of Plaintiff's Complaint.

128. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 128 of Plaintiff's Complaint.

129. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 129 of Plaintiff's Complaint.

130. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 130 of Plaintiff's Complaint.

131. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 131 of Plaintiff's Complaint.

132. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 132 of Plaintiff's Complaint.

133. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 133 of Plaintiff's Complaint.

134. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 134 of Plaintiff's Complaint.

135. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 135 of Plaintiff's Complaint.

136. With respect to paragraph 136, Defendant repeats, reiterates, and realleges each and every admission and denial heretofore made with the same force and effect as if more fully set forth herein.

137. DENIES the allegations contained in paragraph 137 of Plaintiff's Complaint.

138. DENIES the allegations contained in paragraph 138 of Plaintiff's Complaint.

139. DENIES the allegations contained in paragraph 139 of Plaintiff's Complaint.

140. DENIES the allegations contained in paragraph 140 of Plaintiff's Complaint.

141. DENIES the allegations contained in paragraph 141 of Plaintiff's Complaint.

142. DENIES the allegations contained in paragraph 142 of Plaintiff's Complaint.

143. DENIES the allegations contained in paragraph 143 of Plaintiff's Complaint.

144. DENIES the allegations contained in paragraph 144 of Plaintiff's Complaint.

145. With respect to paragraph 145, Defendant repeats, reiterates, and realleges each and every admission and denial heretofore made with the same force and effect as if more fully set forth herein.

146. DENIES the allegations contained in paragraph 146 of Plaintiff's Complaint.

147. DENIES the allegations contained in paragraph 147 of Plaintiff's Complaint.

148. DENIES the allegations contained in paragraph 148 of Plaintiff's Complaint.

149. DENIES the allegations contained in paragraph 149 of Plaintiff's Complaint.

150. DENIES the allegations contained in paragraph 150 of Plaintiff's Complaint.

151. DENIES the allegations contained in paragraph 151 of Plaintiff's Complaint.

152. DENIES the allegations contained in paragraph 152 of Plaintiff's Complaint.

153. DENIES the allegations contained in paragraph 153 of Plaintiff's Complaint.

154. With respect to paragraph 154, Defendant repeats, reiterates, and realleges each and every admission and denial heretofore made with the same force and effect as if more fully set forth herein.

155. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 155 of Plaintiff's Complaint.

156. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 156 of Plaintiff's Complaint.

157. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 157 of Plaintiff's Complaint.

158. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 158 of Plaintiff's Complaint.

159. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 159 of Plaintiff's Complaint.

160. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 160 of Plaintiff's Complaint.

161. DENIES knowledge and information to form a belief as to the allegations contained in paragraph 161 of Plaintiff's Complaint.

162. With respect to paragraph 162, Defendant repeats, reiterates, and realleges each and every admission and denial heretofore made with the same force and effect as if more fully set forth herein.

163. DENIES the allegations contained in paragraph 163 of Plaintiff's Complaint.

164. DENIES the allegations contained in paragraph 164 of Plaintiff's Complaint.

165. DENIES the allegations contained in paragraph 165 of Plaintiff's Complaint.

166. DENIES the allegations contained in paragraph 166 of Plaintiff's Complaint.

167. With respect to paragraph 167, Defendant repeats, reiterates, and realleges each and every admission and denial heretofore made with the same force and effect as if more fully set forth herein.

168. DENIES the allegations contained in paragraph 168 of Plaintiff's Complaint.

169. DENIES the allegations contained in paragraph 169 of Plaintiff's Complaint.

170. DENIES the allegations contained in paragraph 170 of Plaintiff's Complaint.

171. DENIES the allegations contained in paragraph 171 of Plaintiff's Complaint.

172. DENIES the allegations contained in paragraph 172 of Plaintiff's Complaint.

173. DENIES the allegations contained in paragraph 173 of Plaintiff's Complaint.

174. DENIES the allegations contained in paragraph 174 of Plaintiff's Complaint.

175. DENIES the allegations contained in paragraph 175 of Plaintiff's Complaint.

176. DENIES the allegations contained in paragraph 176 of Plaintiff's Complaint.

177. DENIES the allegations contained in paragraph 177 of Plaintiff's Complaint.

**AS AND FOR A FIRST AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

178. The Complaint fails to state a cause of action upon which relief may be properly granted against the answering Defendant.

**AS AND FOR A SECOND AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

179. That the injuries complained of in the Plaintiff's Complaint were caused or brought about by the culpable conduct of a third person or persons over whom the Defendant herein had no control and for whose acts this Defendant is in no way responsible.

**AS AND FOR A THIRD AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

180. Upon information and belief, the Plaintiff's Complaint fails to state a cause of action under 42 U.S.C. § 1983, insofar as the Plaintiff has not sustained a violation of a right or privilege under the Constitution of the United States of America, and the Plaintiff's claims must therefore be dismissed.

**AS AND FOR A FOURTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

181. At all times herein relevant, the answering Defendant acted without malice, with probable and/or reasonable cause, and in good faith, with a reasonable belief of the legality of his actions and within the scope of his authority, official duties, and discretion.

**AS AND FOR A FIFTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

182. Upon information and belief, the actions of the answering Defendant are protected by the doctrines of absolute, qualified and governmental immunity and, therefore, the Plaintiff's claims must be dismissed.

**AS AND FOR A SIXTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

183. Upon information and belief, the answering Defendant acted at all times in a reasonable and proper manner under the circumstances and facts involved, including relative to any use of force, and at no time did they violate a clearly established federal right of the Plaintiff.

**AS AND FOR A SEVENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

184. Upon information and belief, the Plaintiff failed to fulfill all conditions precedent to sustain one or more of the claims herein pursuant to the New York General Municipal Law.

**AS AND FOR AN EIGHTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

185. Upon information and belief, if the Plaintiff sustained any damages as alleged in the Complaint, the Plaintiff failed to mitigate those damages.

**AS AND FOR A NINTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

186. The Plaintiff failed to exhaust his administrative remedies.

**AS AND FOR A TENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

187. The answering Defendant has not published, enforced, or otherwise promulgated a policy, custom or usage that resulted in the alleged infringement or deprivation of any of the Plaintiff's constitutional rights.

**AS AND FOR AN ELEVENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

188. Any award for punitive damages would not be proper under the common law of the State of New York and would be violative of the numerous and various constitutional right and protections afforded by the United States and New York State Constitutions, particularly the due process clauses contained therein. Inasmuch as the standard for determining a defendant's liability for such damages is vague and arbitrary, the standard also lacks sufficient clarity in terms of conduct required to give rise to such a claim, and there are no meaningful standards for determining the amount of such an award.

**AS AND FOR A TWELFTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

189. In the event Plaintiff has judgment against this answering Defendant, this answering Defendant is entitled to a set-off or reduction of any damages award, liability for which is expressly denied, for amounts received from any collateral sources, including but not limited to, insurance, social security, workers' compensation or employee benefit programs.

**AS AND FOR A THIRTEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

190. If it should be found after trial that the answering Defendant is liable in the amount of 50% or less of the total liability assigned to all persons liable, then liability of the answering Defendant for non-economic loss shall not exceed the answering Defendant's equitable share of

liability determined in accordance with the relative culpability of each person causing or contributing to the total liability for non-economic loss in accordance with Article 16 of the CPLR.

**AS AND FOR A FOURTEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

191. Defendant did not intend and did not disregard a substantial likelihood of causing severe emotional distress.

**AS AND FOR A FIFTEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

192. Defendant did not owe any special duty of care to Plaintiff.

**AS AND FOR A SIXTEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

193. The injuries and damages alleged in the Complaint were proximately caused by an unforeseeable, independent, intervening and/or superseding event(s) beyond the control, and unrelated to any conduct, of answering Defendant.

**AS AND FOR A SEVENTEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

194. Defendant's actions or omissions, if any, were superseded by the negligence, wrongful and/or criminal conduct of others.

**AS AND FOR AN EIGHTEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

195. The Plaintiff's claims are barred, in whole or in part, because the answering Defendant took governmental actions which are privileged and/or immune as being discretionary determinations while acting within the scope of his duties as a public official and therefore, the answering Defendant is immune from such liability for such actions.

**AS AND FOR A NINETEENTH AFFIRMATIVE
DEFENSE, THE DEFENDANT ALLEGES:**

196. In the event that Plaintiff has, or should in the future, settle any portion of the claims arising from the allegations contained in the Complaint with any currently named or still to be named Defendant(s), the respective rights of the remaining parties should be determined pursuant to § 15-108 of the New York General Obligations Law.

**AS AND FOR A FIRST CROSS-CLAIM AGAINST
ANTHONY FARINA, MATTHEW GALLIHER,
NICHOLAS ANZALONE, DAVID KINGSLEY,
NICHOLAS KIEFFER, ROBERT KESSLER,
MICHAEL FISHER, CHRISTOPHER WALRATH,
SHEA SCHOFF, DAVID WALTERS, MICHAEL MASHAW,
GLENN TROMBLEY, KYLE DASHNA,
ABEDIN MEHMEDOVIC, DANIELLE MEDBURY,
DANIEL MARTUSCELLO, III, and other as yet
Identified individuals, THIS DEFENDANT ALLEGES:**

197. That if the Plaintiff/Decedent sustained any damages at the time and place alleged in the Complaint through any acts or omissions other than the Plaintiff/Decedent's own, such damages were caused by the culpable conduct of **ANTHONY FARINA, MATTHEW GALLIHER, NICHOLAS ANZALONE, DAVID KINGSLEY, NICHOLAS KIEFFER, ROBERT KESSLER, MICHAEL FISHER, CHRISTOPHER WALRATH, SHEA SCHOFF, DAVID WALTERS, MICHAEL MASHAW, GLENN TROMBLEY, KYLE DASHNA, ABEDIN MEHMEDOVIC, DANIELLE MEDBURY, DANIEL MARTUSCELLO, III, and other as yet Identified individuals**, and if any judgment is obtained against this answering Defendant, then this answering Defendant demands judgment over against **ANTHONY FARINA, MATTHEW GALLIHER, NICHOLAS ANZALONE, DAVID KINGSLEY, NICHOLAS KIEFFER, ROBERT KESSLER, MICHAEL FISHER, CHRISTOPHER WALRATH, SHEA SCHOFF, DAVID WALTERS, MICHAEL**

MASHAW, GLENN TROMBLEY, KYLE DASHNA, ABEDIN MEHMEDOVIC, DANIELLE MEDBURY, DANIEL MARTUSCELLO, III, and other as yet Identified individuals, for contribution pursuant to CPLR Article 14 and/or indemnity for any part or all of the judgment awarded.

WHEREFORE, the answering Defendant, Michael Along, demands judgment dismissing the Complaint, or alternatively that any recovery be reduced according to the Plaintiff/Decedent's degree of culpability. That if any recovery is awarded to the Plaintiff, answering Defendant demands judgment on the Cross-Claims against **ANTHONY FARINA, MATTHEW GALLIHER, NICHOLAS ANZALONE, DAVID KINGSLEY, NICHOLAS KIEFFER, ROBERT KESSLER, MICHAEL FISHER, CHRISTOPHER WALRATH, SHEA SCHOFF, DAVID WALTERS, MICHAEL MASHAW, GLENN TROMBLEY, KYLE DASHNA, ABEDIN MEHMEDOVIC, DANIELLE MEDBURY, DANIEL MARTUSCELLO, III, and other as yet Identified individuals**, for any part or all of the judgment found against this answering Defendant, together with the costs and disbursements of this action.

Dated: April 14, 2025



Stephen A. Davoli, Esq.
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